

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANDRE JACOBS,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-1941
	)	
STEPHEN DURKO,	)	
Defendant.	)	

O R D E R

AND NOW, this 12th day of September, 2008, after the plaintiff filed an amended civil rights complaint in the above-captioned case, and after a renewed motion for summary judgment was submitted by the defendant, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted thirteen days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the defendant's renewed motion for summary judgment (Document No. 96) is denied.

/s/ Joy Flowers Conti  
United States District Judge

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cc: All Counsel of Record

Honorable Robert C. Mitchell  
United States Magistrate Judge